

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DIALLO COBHAM, #37935-037

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Plaintiff

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v

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Civil Action No. AW-06-2430

USA

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Defendant

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MEMORANDUM

Plaintiff has filed a “Request for Information via FOIA” with the Clerk of this Court seeking a copy of his Pre-sentence report and transcripts of his criminal proceedings. Paper No.

1. To the extent that Plaintiff is filing a Freedom of Information Act request through this action, the request must be denied. Federal courts and the clerks offices that receive court pleadings are not “agencies” covered by the Freedom of Information Act. Indeed, FOIA , 5 U.S.C. § 552, does not apply to the courts of the United States. *See* 28 U.S.C. § 551; *Smith v. United States District Court for the Southern District of Illinois*, 956 F.2d 647, 649 n.1 (7th Cir. 1992); *see also Cook v. Willingham*, 400 F. 2d 885 (10th Cir. 1968); *Harris v. United States*, 121 F.R.D. 652, 654 (W.D. N.C. 1988).

Copies of court records may be provided to an indigent litigant at government expense upon a showing by the litigant of a particularized need for the documents. *See Jones v. Superintendent, Va. State Farm*, 460 F.2d 150, 152-53 (4th Cir. 1972). To the extent that

Plaintiff is seeking copy work at the governments expense, he has failed to show a particularized need. Absent such showing, Plaintiff may obtain the copies he seeks by requesting same from the Clerk and/or from the court reporter and paying the required fee for the copies requested.

A separate Order follows.

Date: September 28, 2006

_____/s/
Alexander Williams, Jr.
United States District Judge